

TOWNSHIP OF FLORENCE
ORDINANCE NO. 2013-14

**An Ordinance of the Township of Florence Amending Chapter 91 of the
Code of the Township of Florence to create Article XLVI, entitled
Renewable Energy, and to provide for standards regarding
such renewable energy facility uses and installations.**

WHEREAS, Chapter 91 is the Land Development Code of the Township of Florence, and such code provides for various uses and standards of design and installation, and;

WHEREAS, the Township Council has determined that Renewable Energy facilities are uses that require proper guidance and standards, and;

WHEREAS, the Township Council has further determined that the Township Code shall be amended in order to provide standards for renewable energy facilities.

NOW THEREFORE BE IT ORDAINED by the Township Council of the Township of Florence that:

Section 1. Chapter 91 (Land Development), is hereby amended to include Article XLVI, entitled (Renewable Energy) and Sections 91.317 – 91.326 are created as outlined as follows:

§ 91.317. Purpose

- A. The purpose of this ordinance is to permit renewable energy facilities in appropriate locations in the Township in a way that is consistent with the Florence Township Master Plan and State legislation to facilitate development of alternative forms of energy production, and to minimize potential land use conflicts and potential negative impacts associated with such facilities on surrounding properties. This ordinance is intended to accomplish the foregoing while also:
- (1) Retaining prime agricultural soils for agricultural use by avoiding siting such facilities on lands within the Agricultural District (AGR) and lands with significant areas of prime farmland soils and soils of statewide importance.
 - (2) Preserving the industry of agriculture and agricultural use of the Township's rural environs by avoiding siting such facilities on lands which have the realistic potential to become permanently preserved farmland in accord with State legislative policies, and State and County planning initiatives.

- (3) Preserving areas with an established rural and/or historic character by avoiding siting such facilities on land within areas of rural and/or historic character, particularly on land which is exposed to public view and where, by reason of topography or other natural features, the facility cannot be effectively screened from view.
- (4) Protecting the quality of life in residential districts by siting ground mounted facilities in locations that minimize the visibility of such facilities from adjacent residential areas.
- (5) Providing standards for buffering and screening of renewable energy facilities to protect surrounding properties from glare and to mitigate the negative visual impact of ground mounted facilities.
- (6) Providing for proper decommissioning of the renewable energy facility after its useful life.
- (7) Preventing heat islands or unnatural heat absorption, causing ecological damage and habitat loss.
- (8) Preserving and protecting existing forested areas which provide multiple direct environmental benefits, such as carbon sequestration, wildlife habitat and local cooling.

§ 91.318. Definitions

A. Definitions. As used in this section, the following definitions shall apply:

MAJOR GROUND MOUNTED SOLAR OR PHOTOVOLTAIC ENERGY FACILITY OR STRUCTURE means an energy generating facility that shall be deemed to be a principal use when any of the following conditions are met.

- (1) When the ground mounted facility exceeds a ratio of one to five (1:5) of the land area on which the facility is constructed to the area used for another purpose (including farming).
- (2) When the ground mounted facility comprises an area of 10 acres or greater.
- (3) When the ground mounted facility is the only use or structure on a lot.
- (4) When all of the energy produced by the facility is not used at the site of the facility or on an adjoining contiguous property in common ownership. For purposes of this section, net metering for purposes of smoothing out differences in day-to day production and demand on the site of the facility or on an adjoining contiguous property in common ownership does not constitute offsite use of energy, and facilities constructed with up to 110% of the projected demand of the site of the facility or an adjoining contiguous property in common ownership or combination thereof, does not constitute offsite use.

MINOR GROUND MOUNTED SOLAR OR PHOTOVOLTAIC ENERGY FACILITY OR STRUCTURE means an energy facility which does not meet one or more of the conditions to be defined as a Major Solar or Photovoltaic Energy Facility or Structure.

RENEWABLE ENERGY FACILITY means a facility that engages in the production of electric or heat energy from solar technologies, photovoltaic technologies, or wind energy.

ROOF MOUNTED SOLAR OR PHOTOVOLTAIC ENERGY GENERATING FACILITY is a solar or photovoltaic facility mounted to the roof of a building, carport or other structure which provides protection from weather or provides habitable or storage space. This shall not include facilities mounted above surface parking lots.

SOLAR OR PHOTOVOLTAIC PARKING STRUCTURE is a solar or photovoltaic facility mounted on a surface parking lot such that vehicles may park and/or drive beneath.

SOLAR OR PHOTOVOLTAIC ENERGY FACILITY OR STRUCTURE means a facility or structure for the purpose of supplying energy produced from solar, or photovoltaic technologies, whether such facility or structure is a principal use, a part of the principal use, or an accessory use or structure.

SOLAR ENERGY SYSTEM shall be a system that utilizes solar panels, as defined herein, to convert solar energy to electricity or heat in order to satisfy all or a portion of the energy requirements associated with a dwelling or nonresidential structure and/or to generate electricity for use in the regional high-voltage electrical grid. The conversion may be accomplished by solar radiation absorbed by a medium (such as solar panels, as defined herein) and distributed to a point of use. The "system" shall include the solar panels and all associated equipment, including any base, foundation, structural support, wiring, piping, batteries or other components necessary to fully utilize the system. An auxiliary energy system may be employed to supplement the output provided by the solar energy system and to provide for the total energy demand should the solar energy system become inoperable.

SOLAR PANELS shall mean a structure containing one or more receptive cells, the purpose of which is to convert solar energy into usable electrical or heat energy by way of a solar system. This term includes all components necessary to generate, store, transport and/or transfer energy.

SOLAR PANEL AREA shall mean the area contained within an elevated panel or plate, or a canopy or array thereof, that captures and converts solar radiation to produce power, and includes flat plate, focusing solar collectors, or

photovoltaic solar cells and excludes the base or foundation of the panel, plate, canopy, or array.

§ 91.319. General Provisions- Use Standards

Unless otherwise specified, the following general requirements apply to all solar and photovoltaic facilities regardless of whether they are principal or accessory uses.

- A. Solar or photovoltaic energy systems are permitted as a principal use in the SM-Special Manufacturing and GM-General Manufacturing Districts in accordance with 40:55D-66.11.
- B. In the AGR-Agricultural District solar or photovoltaic systems are permitted only as accessory residential or agricultural uses. On Commercial Farms (as defined under NJSA 4:1C-1 et seq.), such facilities shall be permitted in accord with the standards set forth in NJAC 2:76-2A.12, which is the State Agricultural Development Committee's ("SADC") Agricultural Management Practice ("AMP") for the Construction, Installation, Operation or Maintenance of Solar Energy Generation Facilities, Structures and Equipment on Commercial Farms. Such systems shall be subject to site plan review. The governing body has expressly considered allowing major ground mounted solar or photovoltaic energy facilities as a principal use in the AGR Agricultural District, but has determined that such facilities are inconsistent with the Township's duly adopted Master Plan, sound environmental policies, and the policies articulated by the New Jersey Legislature in recent regulatory amendments enacted by way of P.L. 2012, Chapter 24, which seek to protect farmland from such development. The governing body's decision has been taken in full awareness of the New Jersey Legislature's earlier policy statement, set forth in P.L. 2009 Chapter 146, which made wind, solar or photovoltaic structures and uses inherently beneficial uses under the Municipal Land Use Law (NJSA 40:55D-1 et seq.). It is the governing body's considered determination, in light of the Township's policies and the overall policies of this State, that conversion of land located in Rural Planning Area 4 that has been actively devoted to agricultural or horticultural use, and that is valued, assessed and taxed pursuant to the Farmland Assessment Act, to Major Solar Facility use would be a substantial detriment to the public good and substantially impair the Township's Zone Plan. The detriment and impairment, respectively, would be significantly exacerbated if the subject lands were considered desirable for preservation under the County and/or State Farmland Preservation programs' planning documents.
- C. Solar energy generating systems are permitted as an accessory use on the same lot as the principal use, whether roof-mounted or ground-mounted, in all residential and business zone districts (specifically, R, RA, RB, RC, RD, RD-1, AGR, HC, NC, OP, GM, SM, P, S, and RAA). The purpose of these accessory systems is to generate energy to satisfy all or a portion of the energy requirements associated with the onsite dwelling(s) or business (es), rather than for sale back into the electrical grid system. This provision shall not be interpreted to prohibit the net metering of excess power generated from time to time from a solar energy system that is designed to meet up to

110% the energy needs of the principal use on the same property. Major Ground Mounted Facilities shall not be accessory uses.

- D. Any solar or photovoltaic energy generating facility mounted to a structure above a surface parking area or a roof shall be deemed an accessory use.
- E. Solar or photovoltaic energy facilities are permitted on the roofs of buildings.
- F. The installation of solar or photovoltaic energy systems by any governmental agency on land owned or leased by said agency shall be permitted as either a conditional accessory use or conditional principal use in any zone district. The conditions for the use shall be in compliance with the buffer, screening and setback requirements otherwise applicable to such facilities under Township Ordinances.
- G. Solar or photovoltaic energy systems installed on, within or above a stormwater management facility, parking lot, sign structure or any other type of freestanding structure not specifically considered a roof by the Construction Official shall be considered a ground-mounted system.
- H. Solar or photovoltaic energy systems shall not be used for displaying any advertising. Reasonable identification of the manufacturer and/or operator of the system is permitted using text that does not exceed a height of two inches. Hazard and/or warning signs pertinent to the electrical nature of the equipment shall also be permitted.
- I. Installation of a solar or photovoltaic energy system on a nonconforming structure, or on a site containing a nonconforming structure or use, shall be considered an expansion of the nonconforming structure or use.
- J. No structure or other portion of any Major Ground Mounted Facility or Structure shall occupy any area designated and regulated by the New Jersey Department of Environmental Protection ("NJDEP") as a floodplain, flood hazard area, wetland, wetland transition area or riparian corridor unless approved in that location by the NJDEP.
- K. Notwithstanding the provisions set forth herein, the installation of any solar energy system shall require a Zoning Permit and all applicable regulatory and construction permits and its design shall conform to all applicable prevailing codes, standards and ordinances, including, but not limited to, the State Uniform Construction Code (UCC), National Electrical Code (NEC) and Federal Aviation Administration (FAA) requirements.

§ 91.320. Standards – Types of Solar Energy Systems Installation

- A. Roof Mounted systems

- (1) Roof-mounted systems which satisfy the provisions set forth herein shall require Construction and Zoning Permits, but may not require site plan approval. If, in the opinion of the Zoning Officer, the installation of the solar energy system does not satisfy the provisions of this section, the applicant shall be directed to file a site plan or variance application with the reviewing board having jurisdiction. Said application for development or appeal shall comply with the appropriate notice and hearing provisions otherwise required for the application or appeal pursuant to the Municipal Land Use Law, P.L. 1975, c. 291 (N.J.S.A. 40:55D-1 et seq.). When any type of renewable energy facility is proposed to be installed on an existing roof (roof-mounted), the applicant shall provide to the Construction Code Official, engineered drawings, detailed calculations and/or a structural analysis prepared by a New Jersey licensed professional engineer or architect verifying the structural integrity of the roof system.
- (2) Residential Properties in all Zone Districts and Commercial Properties in the NC Neighborhood Commercial Zone District.
 - a. The panels and all accessory equipment on principal or accessory buildings shall extend no more than 12 inches above the highest point of the roof surface or structure and may not project beyond the vertical plane of the roof edge. This requirement includes installations on flat roofs.
 - b. On all pitched roofs which face public rights of way, solar panels shall be co-planar with the roof surface and shall be mounted no more than 12" above the roof surface.
 - c. All frames and support structural elements shall be colored black.
 - d. Solar energy facilities or structures may be attached to any accessory building that satisfies zoning location, setback and height requirements for the zone. However, in no event shall solar energy facilities or structures be attached to more than two accessory buildings on a single lot. Solar energy facilities or structures shall not be exempt from applicable height or setback requirements.
 - e. Solar energy facilities or structures may not be attached or mounted to fences, walls, or the like.
 - f. Solar energy facilities or structures are prohibited on fee-simple townhouse lots in developments lacking a homeowner's association with a design-approval function.
 - g. Solar energy facilities or structures are permitted accessory uses and structures in condominium complexes, apartment complexes and on fee-

simple townhouse lots in developments with a homeowner's association with a design-approval function, in accord with all accessory use requirements and standards governing residential uses above. Such solar energy facilities or structures are permitted subject to written pre-approval of the homeowner's association, condominium association or apartment association.

(3) Nonresidential Properties in all Commercial and Industrial Zone Districts except the Neighborhood Commercial Zone District.

- a. Roof-mounted solar energy facilities or structures on principal or accessory buildings shall be mounted parallel to the roof angle and shall not exceed a height of 3 feet above the roofline to which it is mounted. However, a reviewing board may permit the system to be mounted at a greater height if the Applicant can demonstrate that no part of the system will be visible from any roadway on which the building has frontage. In no instance shall any part of the system extend beyond the vertical plane of the edge of the roof or exceed the applicable height requirement of the zone in which it is located, whether located on a principal or accessory structure.
- b. Roof-mounted systems shall not be permitted to be installed on temporary buildings.

B. Ground-mounted systems.

- (1) Residential. A ground-mounted system installed on a single or two-family residential lot which satisfies the provisions set forth herein shall require Construction and Zoning Permits, but shall not require site plan approval. If, in the opinion of the Zoning Officer, the installation of the solar energy system does not satisfy the provisions of this section, the applicant shall be directed to file a variance application with the Zoning Board of Adjustment. Said application for development or appeal shall comply with the appropriate notice and hearing provisions otherwise required for the application or appeal pursuant to the Municipal Land Use Law, P.L. 1975, c. 291 (N.J.S.A. 40:55D-1 et seq.).
- (2) Nonresidential. A ground-mounted system installed on a nonresidential or multi-family residential lot shall require a site plan application with the reviewing board having jurisdiction. Said application for development or appeal shall comply with the appropriate notice and hearing provisions otherwise required for the application or appeal pursuant to the Municipal Land Use Law, P.L. 1975, c. 291 (N.J.S.A. 40:55D-1 et seq.).
- (3) Lot Coverage. The total solar panel area, along with the impervious surface area of any appurtenant facilities, shall be used for the purpose of calculating lot coverage and the installation shall not result in a lot coverage percentage which

exceeds the maximum percentage permitted by Code for the zone district in which the facility is located.

§ 91.321. Standards for Major Ground Mounted Solar or Photovoltaic Energy Facilities or Structures as a Principal Use

- A. All Major Solar or Photovoltaic Energy Facility or Structure installations shall comply with the following area, yard and height requirements:
 - (1) Minimum lot area: 20 acres.
 - (2) Minimum front, side and rear yards: 75 feet.
 - (3) Maximum height of any structure, including panels and inverters shall be 15 feet.
- B. No structure or other portion of the facility except for fencing, access roads and non-energy-generating equipment shall be situated less than 300 feet from any residence or less than 150 feet from any accessory structure, whether located on the same or adjacent property.
- C. Major solar or photovoltaic energy facility applications shall submit a landscape plan conforming to the following requirements. A landscape buffer shall be installed around the facility to shield the facility and all related accessory structures and parking areas from public view and the view of any adjoining uses on a lot having a common lot line on which such facility or structure will be located. The vegetative buffer shall be not less than 50 feet in width and may not be located in the setback required pursuant to section 91-321A2. The required buffer shall consist of at least three rows of trees which may include existing vegetation, new plantings, or a combination thereof providing year-round screening. The required buffer shall include native evergreens in the rear interior rows with a mix of deciduous and evergreen trees planted in the front exterior row. Deciduous trees shall be at least 3.5 inch caliper and 14 feet in height at the time of planting. Evergreen trees shall have a minimum height at planting of six feet. Trees shall be planted 10 feet on center in staggered rows. Shrubs shall supplement the landscape buffer areas in order to conceal ground level visual penetration year round. Existing hedgerows or vegetated windbreaks that provide screening of the subject site from neighboring properties shall be retained and augmented as necessary. Substations and other associated transmission structures shall be screened with a double row of evergreen plantings with a minimum height of eight feet at planting. Clearing of upland hardwood forest shall be prohibited except to the extent required for site access from a public road. Buffers and screening that have been planted or natural buffers that have been utilized to form an effective screen must be retained in perpetuity. Any areas in which the effect of the buffer has been reduced, for any cause or reason, must be replanted and returned to an effective buffer as described in this section.

§ 91.322. Standards for Ground Mounted Minor Solar or Photovoltaic Energy Facilities or Structures as an Accessory Use

- A. All minor ground-mounted solar or photovoltaic energy installations shall be considered accessory uses and shall comply with the following standards:
- (1) The purpose of a Minor Solar or Photovoltaic Energy Facility or Structure shall be to provide power for the principal use on the property. The Facility shall be sized to accommodate no more than 110 % of the average annual electric use for the property, or in the case of new construction, 110 % of the projected annual electrical use of the property.
 - (2) Maximum height of any structure, including panels and inverters shall be 15 feet.
 - (3) Minor ground mounted solar or photovoltaic energy facilities or structures shall only be located in the rear yard.
 - (4) All non-residential minor ground mounted solar or photovoltaic energy facilities or structures shall be screened from view on all sides by a twenty-foot wide planted buffer which completely screens the view of the facility and any associated glare from adjacent streets (measured from a height of four feet at the centerline of the street) and adjacent property lines (measured from a height of five feet at the property line). The buffer shall also consist of a mix of deciduous and evergreen trees and shrubs.
 - (5) All other bulk standards shall be as otherwise required for accessory structures in the applicable Zone District of the subject property.
- B. Facilities mounted above parking lots shall be considered accessory uses and shall meet the following requirements:
- (1) Facilities mounted above parking lots shall be designed to provide adequate space for access by emergency vehicles whenever necessary.
 - (2) The maximum permitted height shall be 20 feet.
 - (3) Facilities shall only be located within the rear yard.
 - (4) The minimum side and rear yard setback for any such facility shall be 50 feet if adjacent to a non-residential use or district and 100 feet if adjacent to a residential use or district.
 - (4) The facility shall be screened from view on all sides by a twenty-foot wide planted buffer which completely screens the view of the facility and any associated glare from adjacent streets (measured from a height of four feet at the centerline of the street) and adjacent property lines (measured from a height of five feet at the property line). The buffer shall also consist of a mix of deciduous and evergreen trees and shrubs.

- (5) Existing vegetation shall be retained and utilized to the extent practical.
- (6) The facility shall be designed in such a manner that neither water nor snow accumulate and have concentrated flow off the structure.

§ 91.323. Standards Applicable to Ground Mounted Major and Minor Solar or Photovoltaic Energy Facilities or Structures as a Non-Residential Principal or Accessory Use

- A. All structures or other portions of the facility shall be adequately screened from public view and historic sites. Ground mounted facilities shall be located to minimize views of the facilities from public roadways and from existing residences not located on site and from neighboring undeveloped residentially-zoned property by utilizing existing visual barriers including, but not limited to, buildings, trees, hedgerows and natural topography to the maximum extent possible, in addition to visual screening described elsewhere in this section.
- B. Ground-mounted solar facilities and structures shall be limited to existing cleared areas as shown on 2012 NJDEP aerial photographs.
- C. All onsite utility lines associated with the renewable energy system shall be underground.
- D. The preservation of agricultural activities and agriculturally viable soils is key to the long-term survival of farming as an industry in the Township, therefore, construction of solar facilities are subject further to the requirements set forth below:
 - (1) No Prime soils or soils of Statewide Importance as identified by the USDA Natural Resources Conservation Service shall be removed from any site upon which major solar or photovoltaic energy facilities and structures are constructed.
 - (2) Within areas of Prime soils or soils of Statewide Importance, no concrete footings shall be constructed or used for solar or photovoltaic panel racking systems or other structures used to support panels, however, concrete pads for inverters and similar equipment, and concrete footings for security fence, may be constructed within areas containing these soils.
 - (3) Grading within areas of Prime soils or soils of Statewide Importance shall be limited to that necessary to construct access roads, inverter and switching equipment and pads, parking areas and construction trailers and associated facilities.
 - (4) No major solar or photovoltaic energy facility shall occupy more than 50% of the gross tract area of any parcel or contiguous parcels in common ownership now subject to Farmland Assessment after environmentally sensitive areas such as wetlands, wetland transition areas, flood hazard areas and riparian corridors have

been subtracted from the gross tract area. The remaining 50% of gross tract area, minus environmentally sensitive areas described above, shall continue in agricultural use so long as the solar facility remains on the subject property. These lands shall be known and designated as “Agricultural Use Lands.”

- (5) Farm structures and not more than one residential dwelling supporting continuing farm operations on the restricted lands portion of the site shall be permitted; provided, however, that areas occupied by farm buildings, the residential dwelling, and appurtenant residential areas shall not be counted toward the overall 50% gross tract area of Agricultural Use Lands.
- (6) Agricultural Use Lands guidelines. The following guidelines shall be utilized in determining the configuration and location of the lands remaining in agricultural use:
 - a. Agricultural Use Lands shall be contiguous allowing for the most valuable agricultural lands to be utilized in an efficient manner.
 - b. Agricultural Use Lands shall be configured to facilitate agricultural use. Factors such as, but not limited to, proximity of the restricted lands to adjacent tracts containing farming operations, the ability to create large contiguous tracts of Agricultural Use Lands or farmland and the desirability of maximizing separation between the solar or photovoltaic energy facility and existing off-site residential units should be considered.
 - c. In order to maintain the rural character and scenic viewsheds of the Township, as perceived from the public rights-of-way, Agricultural Use Lands should be located in such manner as to preserve scenic vistas and preserve the rural character of farmsteads, barns and homesteads after development.
 - d. Where tracts include existing farm operations, Agricultural Use Lands should be configured to preserve such uses, to the greatest extent possible, in order to facilitate the continuation of farming.
 - e. Proposed roads should be located within the portion of the property utilized for the major solar or photovoltaic energy facility. It is the intent of this subsection to keep the Agricultural Use Lands portion of the tract continuous and free of roadway intrusions; however, adequate access must be provided to the Agricultural Use Lands area.
 - f. Agricultural Use Lands created as a result of these regulations may be used for recreation, agriculture, or natural resource conservation. No buildings or structures shall be constructed or maintained on the Agricultural Use Lands except such structures that are part of the agricultural or natural resource conservation land use.

- E. Soil erosion control, soil stabilization. All ground areas occupied by the solar or photovoltaic energy facility or structure installation that are not utilized for access to operate and maintain the installation shall be planted and maintained with crops or pasture for farm animals, or native or non-invasive shade-tolerant vegetation for the purpose of soil stabilization. Plants such as clovers, vetches and other low-growing blooming plants supportive of pollinators shall be included in any ground cover seeding mix. The vegetative cover must be established prior to the setting or construction of a solar array. Stone ground cover is prohibited. Ground cover shall be maintained primarily by using mechanical means, however, herbicides may be used on a spot basis for targeted weeds. Broadcast application of herbicides for routine maintenance of ground cover is prohibited.
- F. Sound levels from the energy system shall not exceed 40 dBA when measured from any site property line.
- G. Where the prior use of a facility site consists of agriculture, the facility shall be installed such that it can be returned to active agricultural production after the useful life and removal of the facility. As such, site disturbance including but not limited to, grading, cut and fill, soil removal, excavation and soil compaction, shall be minimized.
- H. The use of concrete, asphalt or other impervious surface, including gravel, is prohibited on the site of such facilities, except in the following locations:
 - (1) The mounting of inverters, transformers, power conditioning units, control boxes, pumps and other such facility components.
 - (2) The mounting of solar photovoltaic panels, films and arrays when used as ballast.
 - (3) Driveway aprons.
 - (4) Portions of roads and driveways where necessary to provide stability for vehicles.
- I. The extent of roads and driveways shall be minimized to the extent possible and shall be constructed so as to minimize soil compaction.
- J. All electrical and control equipment shall be labeled and secured to prevent unauthorized access.
- K. The only signs permitted on a solar or photovoltaic facility or any associated building or structure are those depicting the manufacturers or installer's identification, appropriate warning signs, or owner identification.
- L. The system shall be constructed in such a manner that exposed hardware, supporting structures, frames and piping are finished with nonreflective surfaces.

§ 91.324. Application Requirements.

- A. Permit. A zoning permit and construction permit shall be required for the installation of a renewable energy system.
- B. Except for roof-mounted solar applications, an application for a non-residential facility shall be accompanied by a Site Plan which includes the following:
- (1) Property lines and physical dimensions of the property.
 - (2) The location, dimensions, and types of existing major structures on the property.
 - (3) The location of the all components of the renewable energy system, including substations, inverters and transformers.
 - (4) The right-of-way of any public road that is contiguous with the property.
 - (5) The location of proposed and existing overhead and underground utility and transmission lines.
 - (6) Energy system specifications, including manufacturer and model.
 - (7) Detailed plan of the interconnection to the electrical distribution or transmission system of the intended energy user.
 - (8) Description of any necessary upgrades or modifications to existing substations or the necessity for a new substation. For projects over 2 MW, the location and elevations of all transmission lines, support structures and attachments to a substation(s). Proof of initiation and current state (i.e., feasibility study, system impact study, interconnection facilities study, or executed interconnection service agreement and construction service agreement) of the PJM Generation Interconnection Planning Review Process shall be provided for any projects over 2 MW along with copies of executed interconnection service agreement and construction service agreement if available.
 - (9) Location and condition of existing hedgerows and treelines. Trees on the site that have a caliper of 8" diameter at breast height (dbh) or greater shall be described by location, species and overall condition.
 - (10) A copy of the application to the local electric utility for interconnection.
 - (11) Photographic simulation of the view of the proposed facility from ground level from all public roads abutting the property and from adjacent residential uses. A graphical cross-section shall also be required showing the line of sight to the facility in relation to adjoining properties including residences or other buildings where a view of the facility is possible.
 - (12) A grading and drainage plan under the seal of a licensed professional engineer and shall provide the details necessary to adequately demonstrate to the reviewing

agency Engineer that stormwater management is in compliance with Township ordinance standards. Notwithstanding that the surface of a solar panel shall not be considered to be impervious for the purpose of calculating stormwater runoff, the reviewing board engineer, as applicable, shall require the submission of stormwater calculations and/or improvements to determine if the installation of the ground-mounted system and associated site improvements will create a potential impact to the onsite or offsite drainage or increase stormwater runoff from the pre-development condition. Prior to issuance of a certificate of occupancy and/or placing the facility online, an as-built grading and drainage plan, prepared by a licensed professional surveyor, shall be submitted to the Township Engineer for review and approval. The plan shall show that the as-built conditions are substantially the same as those shown on the approved grading and drainage plan.

- (13) For those systems constructed in a stormwater management facility or on a parking lot or sign structure, a Professional engineer's certification shall be submitted stating the integrity of the stormwater management facility or structure will not be compromised by the system and that relevant capacities will not be reduced. The certification shall include necessary details to demonstrate that no stormwater runoff or natural water shall be diverted to overload the existing system, increase runoff to adjacent properties, create flooding or the need for additional facilities, cause the systems to be underwater or to reduce the capacity or operation of the stormwater management facility.
- (14) A maintenance plan and land surface management plan shall be submitted that sets forth provisions for the continuing maintenance of the entire site including all solar panels and associated equipment, required plantings, area not devoted to solar production, including a schedule of specific maintenance activities to be conducted. On site, but outside of the solar facility, shall be maintained to a level that will discourage successional growth or the establishment of invasive species. Planting of warm-weather native grasses which allow for mid to late summer mowing, providing beneficial critical habitat to native bird species and other wildlife is encouraged. The use of herbicides, pesticides and chemical cleaners or solvents shall not be permitted as an acceptable maintenance practice.
- (15) A construction staging and sequencing plan shall be provided which details all pertinent information related to construction activities including, but not limited to:
 - i. Days and hours of construction activities.
 - ii. Location of parking and loading areas.
 - iii. Location of truck washing areas
 - iv. Location of construction trailers and associated facilities.
 - v. Location of topsoil stockpile areas.
 - vi. Designated truck routes to and from the site.
 - vii. Temporary lighting.
 - viii. Site security.

- (16) The applicant shall provide initial and periodic familiarization to local first responders on safe entry, shut-down and operations within the solar array site

§ 91.325. Decommissioning Plan

- A. All applications for a major solar facility as a principal use shall be accompanied by a Decommissioning Plan to be implemented upon abandonment and/or in conjunction with removal of solar energy systems. Before beginning any decommissioning activities, the applicant must submit a performance bond in a form and amount satisfactory to the Township Attorney, which shall be based upon an estimate approved by the Board Engineer, assuring the availability of adequate funds to restore the site to a useful, non-hazardous condition in accordance with the Decommissioning Plan. Prior to removal of solar energy systems, a permit for removal activities shall be obtained from the Florence Township Construction Official. The Decommissioning Plan shall include the following provisions:
- (1) Restoration of the surface grade and soil after removal of aboveground structures and equipment.
 - (2) Restoration of soil areas with native seed mixes, and/or plant species suitable to the area, which shall not include any invasive species.
 - (3) Retention of access roads, fences, gates or buildings or buffer plantings, as required at the discretion of the Township.
 - (4) Restoration of the site for agricultural crops or forest resource land, as applicable.
- B. If the property owner fails to remove the facility and restore the facility in accordance with the Decommissioning Plan, the Township may remove the facility in place of the owner. All costs incurred by the Township in connection with same shall be a first priority lien, enforceable pursuant to municipal tax lien statutes.

§ 91.326. Abandonment

- A. A solar energy facility that is out of service for a continuous twelve-month period will be deemed to be abandoned. The Zoning Officer shall issue a notice of abandonment to the owner of a solar energy facility that is deemed to be abandoned. The notice shall be sent return receipt requested.
- B. The property owner shall have 30 days to respond to the Notice of Abandonment from the receipt date of the notice.

- C. If the property owner provides information that demonstrates the solar energy facility has not been abandoned, the Zoning Officer shall withdraw the notice of abandonment and notify the property owner that the notice has been withdrawn.
- D. If the Zoning Officer determines the solar energy facility has been abandoned, the property owner shall remove the facility in its entirety at the owner's sole expense within three months after the owner receives the Notice of Abandonment.
- E. If the property owner fails to remove the facility in the time allowed, the township and/or its employees and/or contractors may enter the property to remove the solar energy facility and, in the event the Township performs the removal, all costs of such removal shall be reimbursed to the Township by the owner. In the event the owner fails to reimburse the Township, the Township may place a lien on the property in the amount of the costs of said removal and, in the event that the township incurs any additional costs in enforcing the lien and/or collecting the money owed, the owner shall be obligated to reimburse the Township for the additional costs and expenses, including reasonable attorney fees.

Section 2. If any section, paragraph, subsection, clause, or provision of this Ordinance shall be declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of this Ordinance as a whole or any part thereof.

Section 3. All ordinances or parts of ordinances of the Township of Florence heretofore adopted that are inconsistent with any of the terms and provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

Section 4. This ordinance shall take effect immediately upon adoption and publication of notice of adoption as provided by law.

JERRY SANDUSKY
President - Township Council

JOY M. WEILER, RMC/MMC
Township Clerk

**TOWNSHIP OF FLORENCE
NOTICE OF PENDING ORDINANCE
Ordinance No. 2013-14**

**An Ordinance of the Township of Florence Amending Chapter 91 of the
Code of the Township of Florence to create Article XLVI, entitled
Renewable Energy, and to provide for standards regarding
such renewable energy facility uses and installations.**

Take Notice that the Ordinance identified above which amends the Florence Township Code to provide for a new Article and standards regarding Renewable Energy facilities and installations, has been adopted on first reading by the Township Council of the Township of Florence, County of Burlington, State of New Jersey, at a regular meeting held on July 17, 2013. It will be considered for final passage after public hearing to be held on August 7, 2013, at 8:00 P.M. in the Municipal Complex, Council Chambers, 711 Broad Street, Florence, New Jersey.

The Ordinance will take effect immediately upon adoption and publication as required by law.

Copies of the full ordinance are on file with the Township Clerk of the Township of Florence in the Municipal Complex. Copies may be obtained free of charge on request and a copy is posted on the municipal bulletin board in the Municipal Complex at 711 Broad Street, Florence, New Jersey.

Joy M. Weiler, RMC/MMC
Township Clerk